

## Message Text

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ORIGIN L-03

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/019 R

DRAFTED BY L/ E: HRGAITHER: CDJ:

3/23/73 EXT 20349

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OPR/ LS: DTERCERO

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FM SECSTATE WASHDC

TO AMEMBASSY ASUNCION

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E. O. 11652: N/ A

TAGS: PFOR, PA

SUBJECT: EXTRADITION TREATY NEGOTIATIONS - PARAGUAY

REF: ( A) ASUNCION A114, NOV. 9, 1972 ( B) ASUNCION 714

FOLLOWING ARE PROPOSED CORRECTIONS AND CHANGES DRAFT  
EXTRADITION TREATY AS NEGOTIATED BY GAITHER AND TRANS-  
MITTED REF ( A) ON CONCLUSION THOSE NEGOTIATIONS NOV. 9,  
1972 AS WELL AS RESPONSES TO CHANGES TO TEXT CONTAINED  
REF ( B) AS PROPOSED BY GOP:

1. PREAMBULATORY CLAUSE, ENGLISH TEXT: TYPO --  
" COOPERATION".

2. ARTICLE 2:

A) OFFENSE 18 SPANISH TEXT- COMPARISON OF TEXTS RAISES  
POSSIBLE ERROR IN FUTURE INTERPRETATION AND ALTHOUGH  
IS ALSO IN U. S./ ARGENTINA TREATY, DEPT WOULD PREFER  
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CORRECT SPANISH TEXT. LAST LINE HAS PHRASE " SIN LA  
DEBIDA AUTORIZACION". TRANSLATION IS " PROPERLY AUTHORIZED"

SUGGEST " SIN" BE CHANGED TO READ EITHER " CON LA DEBIDA AUTORIZACION" OR " DEBIDAMENTE AUTORIZADOS".

B) FIRST PARA FOLLOWING OFFENSE 30: GOP PROPOSAL ACCEPTABLE. TO CONFORM, IN ENGLISH TEXT, INSERT AFTER WORD " PARTIES", " AND IN ACCORDANCE WITH THE PRINCIPLES OF THE PENAL CODE CONTAINING THE LESSER PENALTY" WHICH WOULD BE SURROUNDED BY COMMAS.

C) SECOND PARA FOLLOWING OFFENSE 30: TO CONFORM ENGLISH TEXT TO SPANISH, STRIKE PHRASE " UNDER THE PROVISIONS OF THIS TREATY" IN FIFTH LINE.

D) THIRD PARA FOLLOWING OFFENSE 30: TO CONFORM SPANISH TEXT TO ENGLISH, BELIEVE IT PREFERABLE TO DELETE IN SPANISH TEXT " HECHOS ILICITOS" AND SUBSTITUTE " DELITOS" IN THIRD LINE. IN THIRD LINE ENGLISH TEXT SAME PARA CORRECT TYPO " TRANSPORTING".

3. ARTICLE 3, SECOND PARA: GOP PROPOSAL IS CONTAINED IN NOV. 9 DRAFT. HOWEVER TO CONFORM TEXTS, MAKE FOLLOWING CHANGES ENGLISH TEXT: IN THIRD LINE, REPLACE " FOR EXTRADITION IF" WITH " PROVIDED THAT". IN LAST LINE DELETE " WHEN".

4. ARTICLE 4: AGREE REVERT ORIGINAL DEPT DRAFT OCT. 12, 1972. BOTH TEXTS SO CHANGED. ASSUME EMBASSY HAS LANGUAGE.

5. ARTICLE 5:

A) PARA 1: GOP CHANGE FROM " ESTADO/ REQUERIDO" TO " LA PARTE REQUERIDO" WAS MADE IN OCT 12 TEXT. DEPT'S TEXT OF NOV 9 HAS THAT CHANGE. PLEASE CLARIFY IF THIS MISUNDERSTANDING OR GARBLED REFERENCE.

B) PARA 4: INSERTION OF " Y CONEXO CON EL MISMO" RAISES PROBLEM DUE TO CONJUNCTION. THE " Y" OR " AND" IN ENGLISH WOULD REQUIRE OFFENSE TO BE BOTH OF A POLITICAL CHARACTER AND REPEAT AND CONNECTED WITH SAME. IF CON-LIMITED OFFICIAL USE

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JUNCTION COULD BE CHANGED TO " O" CHANGE ACCEPTABLE. IF THIS AGREEABLE GOP, ENGLISH TEXT SHOULD BE ALTERED WITH INSERTION SURROUNDED BY COMMAS OF " OR CONNECTED WITH SUCH AN OFFENSE AFTER ' CHARACTER .

C) IN SUBPARA ( A) OF PARA 4, END OF SECOND LINE THE WORDS " THE LIBERTY OF" AFTER " OR" WERE INADVERTENTLY LEFT OUT OF ENGLISH TEXT. SPANISH TEXT CORRECT.

6. ARTICLE 10:

A) PARA 3: ACCORDING TO DEPT'S COPY NOV. 9 TEXT DID USE U. S./ URUGUAYAN TEXT FOR BOTH SPANISH AND ENGLISH. EMBASSY SHOULD NOTE THAT TEXTS SLIGHTLY DIFFERENT AS SPANISH TEXT USED "" PRIMA FACIE"" AND ENGLISH USES " PROBABLE CAUSE". IF NECESSARY, PLEASE CLARIFY.

B) SUBPARAS ( A) AND ( B) OF PARA 5: RECENT EXPERIENCE HAS DEMONSTRATED PROBLEMS OF DELAY IN THE CERTIFICATION REQUIREMENT IMPOSED BY " PRINCIPAL" DIPLOMATIC OR CONSULAR OFFICER. WHILE THIS IS IN ACCORDANCE WITH U. S. LAW AND THEREFORE PRESENTLY REQUIRED, WE ARE CHANGING THIS IN THE MOST RECENTLY NEGOTIATED TREATIES TO READ " COMPETENT". IN THIS WAY, WE CAN CONTINUE TO USE THE OLD PROCEDURE BUT WHEN THE U. S. STATUTE IS MODERNIZED, WE COULD AUTHORIZE ANY CONSULAR OFFICERS TO CERTIFY WITHOUT CHANGING THE TREATY. WE THEREFORE PROPOSE CHANGING " PRINCIPAL" TO " COMPETENT" IN BOTH SUBPARAS ( A) AND ( B). DEPT ASSUMES SUCH A CHANGE WOULD BE IN ACCORD WITH PARAGUAYAN REQUIREMENTS. THE EMBASSY SHOULD HOWEVER INQUIRE AS TO WHOM THE GOP WOULD CONSIDER TO BE ITS " COMPETENT" DIPLOMATIC OR CONSULAR OFFICER IN WASHINGTON.

C) SUBPARA ( B) OF PARA 5: IN ENGLISH TEXT SECOND LINE, INSERT COMMA AFTER " PARAGUAY". SPANISH TEXT CORRECT.

7. ARTICLE 12, SECOND PARA: DEPT'S TEXT OF NOV.9 HAS " ESTUVIERA BAJO DETENCION". OCT 12 DRAFT THAT PHRASE WAS " BAJO ARRESTO" WHICH CHANGED. PLEASE CLARIFY LIMITED OFFICIAL USE

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IF NECESSARY.

8. ARTICLE 13

A) SUBPARA 3 OF FIRST PARA: GOP LANGUAGE FOR THIS IS WHAT IS CONTAINED NOV. 9 TEXT. PLEASE CABLE IF ERROR. DEPT WOULD HOWEVER LIKE TO MAKE TWO MODIFICATIONS. PHRASE " EN LA ENUMERACION DEL ARTICULO 2 . . ." RAISES PROBLEM THAT SUBPARA MIGHT NOT BE APPLICABLE TO ATTEMPT OR CONSPIRACY ETC. TO COMMIT A LISTED OFFENSE SINCE THE ATTEMPTS CLAUSE NOT " ENUMERATED" BUT FOLLOWS THE LIST OF OFFENSES. PROPOSE DELETE " LA ENUMERACION DEL" WHICH WOULD CURE PROBLEM. TO CONFORM ENGLISH TO SPANISH TEXT, REQUEST TWO CHANGES: IN THIRD LINE AFTER " GRANTED OR", INSERT " HAS CONSENTED". IN LAST LINE THIS SUBPARA CHANGE " COVERED BY" TO " INCLUDED IN" AND AFTER "2", DELETE

PERIOD AND ADD " OF THIS TREATY".

B) SUBPARA 2: INSERTION NOTED WAS MADE INTO NOV 9 TEXT.  
PLEASE CLARIFY IF NECESSARY.

9. ARTICLE 16, LINE 6 ENGLISH TEXT CONTAINS PHRASE,  
" IF FOUND". SPANISH TEXT DOES NOT HAVE THIS PHRASE.  
PROPOSE AFTER " ENTREGADOS" IN LINE 7 INSERTION OF  
" SI SE ENCUENTREN" SURROUNDED BY COMMAS.

10. ARTICLE 18, SECOND PARA: CHANGE PROPOSED BY GOP  
ACCPETABLE. NO CHANGE ENGLISH TEXT REQUIRED. PLEASE  
NOTE TYPO IN SPANISH TEXT THIS PARA " PECUNIARIA".

11. ARTICLE 20

A) FIRST PARA: TO BE TECHNICALLY CORRECT, PARA  
SHOULD READ:

" THIS TREATY SHALL BE SUBJECT TO RATIFICATION AT THE  
EARLIEST POSSIBLE DATE AND SHALL ENTER INTO FORCE  
UPON THE EXCHANGE OF RATIFICATIONS IN ( BLANK)." SPANISH  
TEXT WOULD READ: " ESTE TRADO ESTA ( ACCENT OVER ' A')  
SUJETO A RATIFICACION A LA BREVEDAD POSIBLE Y ENTRARA  
EN VIGOR A PARTIR DEL CANJE DE RATIFICACIONES QUE SE  
REALIZARA EN ( BLANK)."  
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DEPT ASSUMES SIGNING TO TAKE PLACE ASUNCION AND THEREFORE  
EXCHANGE WOULD TAKE PLACE IN WASHINGTON. THE BLANK  
SHOULD THEREFORE READ " WASHINGTON."

B) FINAL PARA: TO CONFORM TEXTS, WOULD BE PREFERABLE  
FOR " ABROGATE" TO READ " TERMINATE" IN ENGLISH TEXT.

12. FINAL CLAUSE: ASSUMING SIGNING IN ASUNCION, BLANK  
SHOULD BE SO FILLED IN. PLEASE NOTE TYPE SECOND  
PARA, " DONE". ROGERS

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